

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS - AUSTIN DIVISION**

JEREMY STORY,
Plaintiff,

v.

HAFEDH AZAIEZ, et al.
Defendants.

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Civil Action No. 1:22-cv-448-RP

PLAINTIFF’S MOTION FOR LEAVE TO FILE SUPPLEMENT

Plaintiff Jeremy Story moves for leave to file the *Supplement to Third Amended Complaint* (Exhibit 1, “Supplement”) pursuant to Rule 15(d) of the Federal Rules of Civil Procedure, and in support, states as follows:

1. On October 05, 2023, Plaintiff filed his *Third Amended Complaint* (“Complaint”) which restored the requested injunction regarding the 18-seat rule, and was filed to eliminate ambiguities in the *Second Amended Complaint*, including a clarification regarding the defendants against whom claims were made, dismissal of mooted claims for injunctive relief, clarification that Dustin Clark was no longer party to the dispute, and minor helpful revisions, including improvements in inadvertent reference numbering and corrections to arguments included in error.

2. Chief Dennis Weiner, Det. Ron Cole, and Dr. Carla Amacher (“Homecoming Defendants”) filed a motion to dismiss on April 2, 2024 (“Motion”), in which they have argued that Plaintiff has no valid claim against them. In part, they argue that Plaintiff cannot show a clearly-established right to overcome their claim to qualified immunity.

3. As the proposed Supplement indicates, Plaintiff can show that, irrespective of any absolute right to free speech, Plaintiff has the right to be treated as others are, that is to say, with equal protection under the law. Even badly acting police and school personnel should know that they must allow Story to hand out materials under the same circumstances that they allow others to act similarly.

4. Additionally, since filing the Complaint, Plaintiff has discovered additional facts¹ that generate new factual allegations in support of existing claims as described herein. Specifically, the new events described here provide further evidence of RRISD's police practices.

5. As attached Exhibit 1-A to the proposed Supplement suggests, it is common knowledge know among the RRISD management and its critics that a substantial report outlining improper behavior of RRISD police exists and is being kept secret from Story and the public.

6. Plaintiff respectfully requests that this Court grant him leave to file the attached exhibit, a proposed Supplement to the Third Amended Complaint to include the new evidence.

7. Plaintiff believes that the new evidence is material and relevant to the claims raised in the Complaint, and responsive to the Motion.

8. Plaintiff has acted with due diligence in obtaining the new evidence and have not unduly delayed the filing of the Supplemental Pleading.

PRAYER

Plaintiffs respectfully request that this Court grant them leave to file the attached *Supplement to the Third Amended Complaint* and to consider the new evidence contained therein in support of their claims against Defendants.

Respectfully submitted,

/s/ Warren V. Norred

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Attorney for Plaintiff Jeremy Story.

Attached: Supplement to Third Amended Complaint, with attachments

¹ Discovery has not yet opened in the instant case. The new facts in question were discovered by Plaintiff independently and not through formal requests for production, admissions, or interrogatories.

DECLARATION OF JEREMY STORY

On April 16, 2024, and pursuant to 28 U.S. Code § 1746, and under penalty of perjury under the laws of the United States of America, I declare that I learned of the facts related to the discovery of new materials, particularly a report on RRISD's police practices, as described above are true and correct.



Jeremy Story

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2023, a true and correct copy of the foregoing *Motion for Leave to File Supplemental Pleading to Plaintiffs' Third Amended Complaint* was served via the court's electronic filing system on all parties seeking service.

/s/Warren V. Norred
Warren V. Norred

CERTIFICATE OF CONFERENCE

I hereby certify that on April 16, 2024, I conferred with Adam Rothey and Kathryn E. Long, counsel for Defendants, who expressed opposition to the remedy requested.

/s/Warren V. Norred
Warren V. Norred